

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – T & A Department – Sri A.B. Surya Prakash, S.T.O. (Retd.), Dist. Treasury, Krishna Dist., Machilipatnam – Trapped by ACB on 1-3-2005 – Departmental action initiated – Further action dropped – Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Ms. No. 194

Dt. 13-7-2009

Read the following:

1. Lr. C.No.39/RCT-VK1/06, dt. 24-3-2005 from the D.G., ACB, Hyd.
2. Lr. C. No. 39/RCT-VK1/06, dt. 25-10-2005 from the D.G., ACB, Hyd.
3. Representation of Sri A.B. Suryaprakash, S.T.O. (u/s),
Dist. Treasury, Machilipatnam dt. 10-11-2005.
4. Govt. Memo. No. 8518-B/228/A1/Admn.III/2005, dt. 31-3-2007
Finance (Admn.III) Dept.
5. Lr. C. No. 39/RCT-VK1/2006, S-9, dt. 25-6-2007 from the
Director General, ACB, Hyderabad.
6. Govt. Memo. No. 8518-B/228/A1/admn.III/2005, dt. 4-10-2008
Finance (Admn.III) Dept.
7. Representation of Sri A.B. Surya Prakash, S.T.O. received through
C.M.P.No. 909/CMP/2009, dt. 21-1-2009.
8. Charge Memo. No. K(1)2/4044/2005, dt. 7-4-2009 issued by the
D.T.A., Hyderabad to Sri A. B. Surya Prakash, S.T.O.
9. Statement of Defence of Sri A.B. Surya Prakash, S.T.O. (Retd.)
Dt. 28-4-2009.

O R D E R:

In the reference 1st read above, the Director General, ACB, Hyderabad has reported that Sri A.B. Surya Prakash, S.T.O., O/o. D.T.O., Machilipatnam, Krishna Dist. was trapped on 1-3-2005. He was arrested and produced before the Spl. Judge for SPE & ACB Cases, Vijayawada on 2-3-2005 and remanded to jail on 2-3-2005. Later, he was released on bail on 4-3-2005. Basing on the said report, Sri A.B. Surya Prakash, S.T.O. was kept under suspension w.e.f. 1-3-2005. vide D.T.A., Hyderabad proceedings No.K(I)2/4044/2005, dt. 9-3-2005.

2. In the reference 2nd read above, the D.G., ACB, Hyderabad has furnished the final Report and recommended for Prosecution of Sri A.B. Surya Prakash, S.T.O, O/o. D.T.O., Machilipatnam, Krishna Dist.

3. In the reference 3rd read above, Sri A.B. Surya Prakash, S.T.O. has submitted a representation for his reinstatement and also for dropping further criminal proceedings in the matter.

4. Government, vide reference 4th read above, have requested the D.T.A., Hyderabad to examine and consider to reinstate Sri A.B. Surya Prakash, S.T.O. and initiate departmental proceedings against Sri A.B. Surya Prakash, S.T.O. by obtaining the draft charges from the A.C.B., Hyderabad urgently.

5. In the reference 8th read above, departmental action was initiated and the Charge Memo. was issued to Sri A.B. Surya Prakash, S.T.O.

6. In the reference 9th read above, the Charged Officer has submitted his written statement of defence wherein he has stated that the Sec.164 Cr.P.C. statement given by the complainant Sri G.V.K. Bhaskar before the 5th Metropolitan Magistrate, Vijayawada was not taken into consideration and that the said statement fully exonerates him of the said imputation of illegal gratification demanded and acceptance. In terms of P.C.. Act 1988, in a trap case the ingredients of 1) motive, 2) demand 3) further demand 4) Acceptance, 5) recovery 6) Phenolphthalein test should be fulfilled. In his case none of the ingredients were proved in the light of the 164 Cr.P.C. statement and that his previous representations to Range inspector, ACB and other authorities clearly establishes his innocence as the mediator's report was dictated by the ACB Inspector in violation to ACB Manual, and he has requested to drop further action, as he is retiring by 30-4-2009 (since retired).

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7. Government after careful examination of the matter, i.e the Statement of the complainant under Sec.164 Cr.P.C. before the Hon'ble Magistrate, the Final Report of the ACB, representations and the written Statement of Defence of Sri A.B. Surya Prakash, S.T.O. (Retd.), hereby order to drop further action on the Charge Memo. issued in the reference 8th read above, against Sri A.B. Surya Prakash, S.T.O., (Retd.), Dist. Treasury, Krishna, Machilipatnam and fully exonerate him from the Charge.

8. The Director of Treasuries and Accounts, Hyderabad is requested to take further action accordingly and to regularize the suspension period according to the provisions under F.R. 54.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
SECRETARY TO GOVERNMENT (FP)

To
Sri A.B. Surya Prakash,
S.T.O. (Retd.),
(through the DTA, A.P., Hyderabad.)
Copy to: The D.T.A., A.P., Hyd.
The D.G., ACB., Hyderabad
The A.P. Vigilance Commission

// Forwarded :: By Order //

SECTION OFFICER